

Michelle Labayen  
Law Office Lutzky & Labayen  
420 Lexington Ave  
Suite 300  
New York, NY 10170  
212-297-6208

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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IN RE

PETER CATENA  
xxx-xx-4492  
**Debtor.**

Case No.: 11-43681  
Hon. Jerome Feller  
Bankruptcy Judge  
**Application for Dismissal  
Chapter 13 Case**

**APPLICATION TO DISMISS DEBTOR'S CHAPTER 13 CASE**

Now comes Michelle Labayen of the Law Offices of Lutzky and Labayen on behalf of debtor Peter Catena and moves this Honorable Court for entry of an Order Pursuant to 11. U.S.C §1304(b) to Dismiss the Debtor's Chapter 13 Case and in support thereof, respectfully represents as follows:

1. On or about April 30,2011 Debtor filed a petition for relief under Chapter 13 Bankruptcy Code.
2. The Debtor 341 meeting was adjourned to August 2, 2011.
3. The Debtor does not qualify for a Chapter 13 due to the amount of secured debt.

WHEREFORE, DEBTOR prays that this Honorable Court enter an Order dismissing debtor's chapter 13 case.

Dated: New York, New York  
July 25, 2011

By: /s/ Michelle Labayen  
Michelle Labayen Esq  
Lutzky and Labayen  
420 Lexington Ave ste 300  
New York, NY 10070

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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IN RE

Peter Catena  
xxx-xx-3006  
**Debtor.**

Case No.: 11-43681  
Hon. Jerome Feller  
Bankruptcy Judge  
**Order**

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Upon the application of Michelle Labayen seeking an Order to Dismiss the Debtor's Chapter 13 case and due notice of the aforesaid application having been given to all necessary parties and:

WHEREAS: Debtor is over the allowable secured debt amount.

WHEREAS; On July 25, 2011 counsel for Debtor sent notice to his creditors;

IT IS HEREBY;

ORDERED that the Defendant's Chapter 13 Bankruptcy proceeding is dismissed

Dated:  
Brooklyn NY

/s/ \_\_\_\_\_  
Honorable Jerome Feller  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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IN RE

Peter Catena  
xxx-xx-3006  
**Debtor.**

Case No.: 11-43681  
Hon. Jerome Feller  
Bankruptcy Judge  
**Certificate of Service**

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**Certificate of Service**

I, Jalitza Poved hereby certify that a copy of the Debtor's Application to Dismiss has been sent electronically or by ordinary U.S Mail by depositing a true copy thereof in an official depository to the below listed parties on July 25, 2011.

**United States Bankruptcy Court**  
Eastern District of New York  
Honorable Jerome Feller  
271 Cadman Plaza  
Brooklyn, NY 11201  
Courtroom 3585

**Marianne DeRosa**  
Standing Chapter 13 Trustee  
115 Eileen Way  
Suite 105  
Syosset, NY 11791

***U.S. Trustee***  
**United States Trustee**  
271 Cadman Plaza East  
Suite 4529  
Brooklyn, NY 11201

Ford Credit  
POB 220564  
Pittsburgh, PA 15257

Natalia Sawicke  
c/o Michael G O'neill  
30 Vesey Street  
3rd floor  
New York, NY 10007

Power Express/dovenmue  
One Corporate Drive  
Lake Zurich, IL 60047

Wachovia Bank  
Attn: Bankruptcy  
4101 Wiseman bld  
San Antonio, TX 78251

July 25, 2011  
New York, NY 10170

/s/Jalitza Poveda  
Law Office of Lutzky & Labayen  
420 Lexington Ave suite 300  
New York, NY 10170

